

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
Room 220, Senate Building, Utah State Capitol Complex
February 3, 2010**

Members Present: Sen. Jon J. Greiner, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Douglas C. Aagard
Rep. Richard A. Greenwood
Rep. Steven R. Mascaro
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Larry B. Wiley

Members Excused: Pres. Michael G. Waddoups
Sen. Ben McAdams

Staff Present: Gary Syphus, Fiscal Analyst
Jennifer Eyring, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hutchings called the meeting to order at 2:20 p.m.

Art Brown, President, MADD, expressed his concern about the budget for Public Safety. He feels that reducing funding to the Highway Patrol and the loss of troopers puts the public at risk. He stated the high visibility of troopers and the threat of arrest is a deterrent, and expressed his concern that there will be more undetected impaired drivers. Profit from the sale of alcohol has increased by \$21 million and he would like to see 25% of that increase going to fund more troopers and their overtime. He provided the committee with the DVD, "Lives Affected, The Victims' Stories".

Rep. Greenwood stated that he would support a percentage amount going to Public Safety as opposed to a set dollar amount.

Dan Maldonado, Director, Division of Juvenile Justice Services, provided additional information that the committee had requested and gave a brief review. He explained their philosophy concerning double bunking as outlined in the handout. Comp time is considered a more economical way to provide staffing than paying overtime would be. The cost of juvenile care provided ranges from \$64 per day to \$257 per day, depending on the type of care and security needed. He provided a chart that shows the rate of probation or prison within two years

post YPA (Youth Parole Authority) discharge. Juvenile crime has trended downward and they use this information as an indicator for how they are doing. The last chart shows incident rates by county.

Rep. Aagard asked for a one page summary of specific impacts from the projected budget cuts.

County Sheriffs

Dave Edmunds, Summit County Sheriff, Vice-President, Utah Sheriffs Association, provided the committee with a handout that summarizes beds available in county facilities for inmate placement from the State. He stated that counties provide these beds at the request of the State at a significant outlay of funds, and need the State to use these beds. He feels it makes fiscal sense for the State to contract the beds and it is also a benefit to the counties.

Maloy Dodds, Garfield County Commissioner, discussed his county's new jail facility. The cost of housing inmates has gone up, but state reimbursement rates have not kept up with actual cost. County general funds have been used to fill in the funding gap for their facility.

Sen. Greiner added that the average cost in the State program is about \$70/day. The Governor's Office would like to increase payment from \$45/day to \$56/day.

Mr. Edmunds clarified that the title DIO refers to the Division of Institutional Operations. The availability of county beds was discussed. New beds will also be added in the future.

Reed Richards, Deputy Attorney, Weber County, discussed contract rates, the problems counties are facing with the current contract rates and the need for more contracts to cover their costs.

Brad Slater, Weber County Sheriff, discussed the impact they have experienced at their county facility. The jail was built with capacity to house state inmates, but they are now closing beds due to a lack of funding to pay staff. The county must take into consideration the type of prisoner, because that changes the cost. He feels the State and counties can work together for a mutual benefit.

Mike Lacy, San Juan County Sheriff, spoke about the sex offender prisoner program that they have at their facility. They would like to expand that program with more state contracts.

Board of Pardons and Parole

Mr. Syphus explained the Budget Brief, noting intent language, fees, and that the timeliness of hearings reduce costs to the state. Analyst recommendations are included in the brief.

Clark Harms, Vice-Chairman, Board of Pardons and Parole, reviewed the handout discussing caseload history and budget reduction impacts. Proposed reductions would cut three part time

positions resulting in slower service and a reduction of special attention reviews. The loss of these reviews would result in longer inmate stays and higher costs to the Department of Corrections. The Board would like the committee to use their recommendations.

Curtis Garner, Chairman, Board of Pardons and Parole, spoke about the factors that are taken into consideration in special attention reviews.

Corrections

Mr. Syphus explained the Budget Brief for the Department of Corrections, which includes four line items: Programs and Operations, Medical Services, Jail Contracting, and Utah Correctional Industries. The Jail Reimbursement line item has been moved to the Department of Finance and is managed by the Commission on Criminal and Juvenile Justice. The Analyst recommends that \$423,700 on ongoing funds be moved from the Board of Regents to the Department of Corrections for prisoner education. The Medical Services line item has experienced shortfalls. The Department may decide to transfer one-time funds from their main line item to Medical Services to cover the anticipated shortfall. Updated plans for the 5% reduction are included in the brief. Four Issue Briefs are also included with more detailed information.

Tom Patterson, Executive Director, introduced Mike Haddon, Deputy Director, Robyn Williams, Deputy Director, Steve Gehrke, Public Information Officer, Gary Sessions, Director, Finance Bureau, Lowell Clark, Director, Institutional Operations, Captain Robert Powell, Internal and External Security, Draper, and Captain Ken Strong, Gang Unit and Uinta 2. Mr. Patterson stressed that if pods are closed and early release initiated, the Board of Pardons funding would need to be increased, not cut.

Mr. Patterson and Mr. Haddon reviewed the Budget Presentation handout provided to the committee. Specific impacts from the FY 2010 budget reductions for the Transition Center, Diagnostic Unit, DORA (Drug Offender Reform Act), Community-Based treatment, and management reductions were outlined. The Department has eliminated 142 FTEs. They encouraged the committee to look at the Governor's budget which has fewer reductions.

The effects to the Department with the 5% reduction were presented. The Department feels strongly that the Parole Violation Centers should not be cut or eliminated. Closing pods would mean that inmates would need to be placed elsewhere. Contract beds with the county facilities are limited by funding caps. Sheriffs have the right to refuse inmates, so they often do not want to take expensive or difficult inmates. Questions concerning the elimination of officer meals and the diagnostic centers were answered. If the Department does an early release, they will still be at or above capacity with the closure of pods. The process of closing prison units was detailed. Closing pods would require an emergency prisoner release, but even with the release, they would not have room for incoming inmates, without releasing the same number of current inmates. Currently the net increase in inmates is at 11 per month. Risks of overcrowding and danger to the staff were emphasized. Some of the funds saved from closing the pods would be

used to hire the additional agents to supervise the released inmates. The discussion continued on the possibility and considerations for contracting county beds. Mr. Patterson stated that the best option is to provide education and programming for the inmates, but that is sometimes scarce because of funding. The option of contracting with the counties is also limited by funding.

Sen. Greiner discussed his concerns that the State needs more bed space and should be looking at the least expensive way to provide for that instead of closing them down in difficult economic times. He acknowledged that in the short term, we may need to find alternatives, such as contract beds, but that this is an issue of public safety.

Rep. Mascaro spoke about his concern that educational funds are being cut when it shows that education cuts the recidivism rate.

The Balanced Scorecard and Performance Metric Trends are also included in the handout.

Captain Ken Strong spoke about the challenges with housing inmates in county jails and managing the population within state and county facilities. When a facility is at capacity, there tends to be more violence and is a safety issue for staff.

MOTION: Rep. Greenwood moved to adjourn the meeting. The motion was approved unanimously with Rep. Seelig absent for the vote.

Rep. Hutchings adjourned the meeting at 4:35 p.m.

Sen. Jon J. Greiner, Co-Chair

Rep. Eric K. Hutchings, Co-Chair